

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET
SACRAMENTO 95814

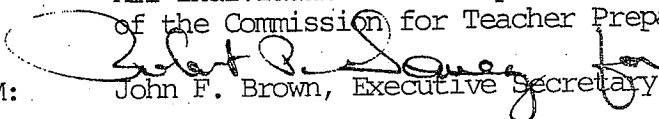
(6) 445-8104



December 11, 1981

81-8216

TO: All Individuals and Groups Interested in the Activities
of the Commission for Teacher Preparation and Licensing

FROM: 
John F. Brown, Executive Secretary

SUBJECT: Proposed Repeal or Amendment of Title 5 Regulations

The Commission for Teacher Preparation and Licensing has held five (5) public-hearings-to-review its Title 5 Regulations in accordance with Chapter 567 of the Statutes of 1980 (AB 1111). In further compliance with Chapter 567/80, a public hearing has been scheduled to repeal or amend those Title 5 Regulations reviewed at the August, September and October, 1981 meetings of the Commission.

Date: February 4, 1982

Time: 1:30 p.m.

Place: Mansion Inn, 16th and H Street, Sacramento, CA

The chart on the following pages indicates the number, title and proposed action for each of the Title 5 Regulation Sections that will be repealed or amended at the February Public Hearing.

Please feel free to duplicate and distribute these proposed Title 5 Regulations to anyone you believe might be interested in responding.

If you wish to make a presentation regarding the above to the Commission, please bring 30 copies of your material for distribution to the Commissioners and staff. If you can provide your statement to the Commission Office 15 days before the public hearing, sufficient copies of the material will be duplicated and distributed for Commission and staff use. We would also appreciate a call to the Commission Office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission.

If you do not want to make a presentation or submit a statement re: the proposed repeal or amendment of Title 5 Regulations, you can reply on the Response Form found on page 4.

Title 5 Section	Title	Proposed Action	
		Repeal	Amend
80000	Scope	X	
80000.1	Continuation of Rights	X	
80002	Issuance of Prior Credentials	X	
80006	Reading Instruction	X	
80025.1	Temporary County Certificate	X	
80046	Terms of Issuance, Reissuance, and Renewal	X	
80061	Teaching Educationally Handicapped, Specialist Instruction Credential Required after 8/31/76	X	
80065.1	Supervision & Coordination Author- ization of the Bilingual Cross/ Cultural Specialist Instruction Credential	X	
80071.1	Oral Proficiency Exam for Single Subject Language Authorization	X	
80071.2	Writing Proficiency Exam for Single Subject English Language Authoriza- tion	X	
80095	Notice of Cancellation of Credentials	X	
80106	Filing of Credentials Deemed Permits	X	
80108	Character Requirement	X	
80110	Supervision Permit	X	
80130	Preamble	X	
80131	Unprofessional Conduct	X	
80132	Provisions not Applicable to Community College Teachers	X	
80033	Ryan Life Credentials		X
80045	Reissuance of Eminence Credentials		X
80055	Internship Credential		X
80055.1	Exchange Certificated Credential		X
80072	Appeal Upon Failure to Pass Subject Matter Exam		X
80107	Application Procedure and Date of Issuance of a Permit		X
80109	Types of Permits		X
80111	Regular Children's Center Supervision Permit		X
80125	Designation of Service Requiring Administrative or Supervisory Credentials		X
80126	Designation of Service Requiring Pupil Personnel Services, Admin- istrative or Supervisory Authoriza- tion		X
80127	Designation of Service Requiring Teaching, Administrative or Supervisory Credential		X
80150	Definitions	X	
80153	Officers	X	
80156	Chairman and Vice-Chairman	X	
80159	Chairman	X	
80162	Vice Chairman	X	

Consolidated
in
Section
80125, as
Amended.

Title 5 Section	Title	Proposed Action	
		Repeal	Amend
80165	Vacancy	X	
80168	Chairman Pro Tempore	X	
80172	Duties of the Officers	X	
80177	Staff of the Commission	X	
80180	Administrative Review of Grievance	X	
80190	Regular Meetings	X	
80193	Extraordinary Meetings	X	
80196	Quorum For Transaction of Business	X	
80199	Adjournment When No Quorum	X	
80202	Public Meeting and Executive Session	X	
80205	Minutes of Commission Meeting	X	
80208	Agenda for Commission Meetings	X	
80211	Presentation to the Commission	X	
80214	Rules of Order	X	
80217	Procedure for Amendment of Provisions	X	
80250	Policies Established by the Executive Secretary	X	
80300	Definitions	X	
80302	Meetings	X	
80303	Quorum	X	
80304	Calendar	X	
80305	Continuance	X	
80306	Action and Reconsideration		X
80307	Precedence of Matters on the Committee's Calendar		X
80310	Probable Cause, What Is		X
80312	Initiation of Investigation	X	
80313	Request to File Statement of Issues or Accusation made by other persons		X
80314	Discovery Rights and Procedure	X	
80315	Right to Counsel	X	
80316	Confidentiality of Investigative Material	X	
80316.5	Confidential Report of Investigation		X
80318	Action Committee May Take	X	
80318.1	Reconsideration of Committee Action	X	
80321	Committee of Credentials	X	

The Title 5 Regulations and the rationale to repeal or amend follows on pages 5-32.

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET
SACRAMENTO, CALIFORNIA 95814

OFFICE OF THE EXECUTIVE SECRETARY

Section(s) _____

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission for Teacher Preparation and Licensing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by _____ in order that the material can be presented at the _____ Commission meeting.

1. ☐ Yes, I agree with the proposed Title 5 Regulations.
☐ Please count me in favor of these regulations.
2. ☐ No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
3. ☐ Personal opinion of the undersigned only.
☐ Organizational opinion. (Please specify) _____

4. ☐ I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
☐ No, I will not make a presentation to the Commission at the Public Hearing.

(Print or type name) Date _____

Title: _____

Representing: _____
(Circle One: School District, College, University, Professional
Organization, Private Citizen, Other)

TITLE 5 REGULATION

80002 - Scope.

The provisions of the subchapter shall apply to all credentials, life diplomas, and certificates of any kind issued after February 1, 1973, pursuant to the provisions of the Teacher Preparation and Licensing Law of 1970.

NOTE: Authority cited for Section 80002: Sections 44232, 44254, 44263, 44342, and 44343, Education Code.

RATIONALE

Repeal

Not Necessary. E.C. 44202 already makes clear the scope of the Commission's authority.

80000.1 - Continuation of Rights.

(a) No action or proceeding commenced before the effective date of this section, and no right accrued, is affected by the provisions of Chapters 2-6 of this part, but all procedure thereafter taken shall conform to the provisions of those chapters so far as possible.

(b) No rights given by any credential under any section repealed by these regulations are affected by the enactment of Chapters 2-6 of this part or by such repeal, but such rights shall hereafter be exercised according to the provisions of this part.

(c) All persons who, at the effective date of this section, are entitled to a credential under any section repealed by these regulations, are thereby entitled to a credential under the provisions of these regulations so far as the provisions of these regulations are applicable.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not Necessary. E.C. 44342 and 44343 already make clear the continuing rights of individuals.

80002. - Issuance of Prior Credentials.

Pursuant to Education Code Section 44342, the Commission will issue, until September 15, 1974, a prior credential on an initial basis to any person who qualifies under the law operative, and the rules and regulations in effect, on December 31, 1971, and after September 15, 1974, on a renewal basis only, except as otherwise provided in Education Code Sections 44343 and 44344 of the law, and in specific cases by approval of the Commission in its meeting minutes when, through no fault of the person, the person would be adversely affected by the Teacher Preparation and Licensing Law of 1970.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not Necessary. E.C. 44344 already specifies conditions for issuance of prior credentials.

80006. - Reading Instruction.

Reading may be taught by Single Subject Credential holders in the context of their subject authorization (e.g. reading in social science, reading in English, reading in physical sciences). Holders of the Single Subject Teaching Credential must hold the Specialist Instruction Credential in Reading in order to teach remedial and other specialized reading courses.

NOTE: Authority cited: Section 44223, Education Code. Reference: Sections 44228 and 44232, Education Code.

Repeal

No specific statutory authority for the Commission to determine what is in effect the assignment of a teacher.

80025.1 - Temporary County Certificate.

An application for a Temporary County Certificate shall be made on an application provided by the Commission for Teacher Preparation and Licensing. It is to be used when dates of employment are known, if the candidate's salary is being withheld because a credential has not yet been filed in the county and/or district office. The completed Temporary County Certificate application may serve the district or county as the Temporary County Certificate.

NOTE: Authority cited: Section 44225 (b), Education Code. Reference: Sections 44232, 44245, 44263, 44332, and 44342, Education Code.

Repeal

No specific statutory authority for the Commission to specify the contents of an application for a TCC.

80046. Term of Issuance, Reissuance, and Renewal:

An Eminence Credential shall be issued for a one-year period and may be issued, reissued, or renewed for one-year periods upon the request of the governing board of the school district.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Regulation not necessary
as this is already
stated in E.C. 44262.

80061. - Teaching Educationally Handicapped; Specialist Instruction Credential Required After August 31, 1976.-

After August 31, 1976, no teacher shall be assigned to teach in a program for the educationally handicapped unless he or she holds a Specialist Instruction Credential in Special Education with an authorization to teach the learning handicapped or the severely handicapped as both are defined in Section 56352 of the Education Code.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44347, and 44348, Education Code.

Repeal

No specific statutory
authority for CTPL
to determine the
assignment of teachers.

80065.1. Supervision and Coordination Authorization of the Bilingual Cross-Cultural Specialist Instruction Credential.

(a) The authorization of the Bilingual Cross-Cultural Specialist Credential shall allow the credential holder to supervise and coordinate bilingual programs under the following minimum requirements:

- (1) Possession of a basic teaching credential.
- (2) Possession of a valid Bilingual Cross-Cultural Specialist Credential.
- (3) Three full years of full-time bilingual classroom experience.
- (4) Demonstration, to the satisfaction of the Commission, of competence in the following areas by means of completion of academic course work at a Commission-approved institution of higher education, or equivalent experience gained through a recognized district-sponsored staff development program coordinated with an approved IHE:
 - (A) Knowledge of those factors which effect improvement in a bilingual education program.
 - (B) Knowledge of sound bilingual personnel management techniques.
 - (C) Knowledge of the dynamics of school-community relations.
 - (D) Knowledge of the principles and practices of bilingual education program management.
 - (E) Knowledge of effective techniques used in the development of administrative leadership qualities.

(F) Knowledge of fiscal control and budgeting in bilingual education programs.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44274, Education Code.

HISTORY:

1. New section filed 2-27-80; effective thirtieth day thereafter (Register 80, No. 9).

80071.1- Writing Proficiency Examination for Single Subject English Language Authorization.

Every applicant for the single subject credential in English shall be required to pass a writing proficiency examination approved by the Commission in addition to any examination required pursuant to Section 80071.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY:

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

Repeal

Not Necessary. E.C. Sections
44280 and 44289 already empower
CTPL to select and set passing
scores for subject matter
examinations. Title 5, Section
80071 already makes clear that
a list of adopted examinations
is available from CTPL on
request. Oral proficiency is
a part of (not in addition to)
the subject matter examination
adopted by CTPL for French,
German and Spanish. A special
regulation is not required
to accomplish this.

80071.2. - Writing Proficiency Examination for Single Subject English Language Authorization.

Every applicant for the single subject credential in English shall be required to pass a writing proficiency examination approved by the Commission in addition to any examination required pursuant to Section 80071.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY:

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

80095. - Notice of Cancellation of Credentials. - When a credential has been issued to an applicant before the Commission for Teacher Preparation and Licensing receives notification that a check offered as payment for the licensing fee has been stopped or that the applicant's banking account contains insufficient funds, and after a reasonable attempt has been made by the Commission to obtain a valid fee or return of the credential in lieu of the fee, the credential shall be cancelled, and a notice of such cancellation shall be placed in the monthly bulletin distributed to Chief State School Officers, County Schools Offices, and School District Superintendents.

NOTE: Authority cited for Article 4, Section 44232, Education Code.

80106. - Filing of Credentials-Deemed-Permits. - A person who holds a credential described in Education Code Section 8360 when such credential is deemed a Children's Center Permit shall:

(a) File (register) the credential with the county superintendent of schools as provided in Education Code Section 8360 if he or she is employed in a children's center maintained by a public agency.

(b) File (register) the credential with the private agency if he or she is employed in a child development program maintained by a private agency, such filing (registration) to be made not later than 95 days after commencement of his service for the agency.

80108. - Character Requirement. - Every applicant for a Children's Center Permit, and the renewal thereof, shall be, and upon demand shall submit to the Commission satisfactory evidence of good moral character. Every holder of a Children's Center Permit shall be, and upon demand shall submit to the Commission satisfactory evidence, of continued good moral character as a condition of retention of such permit.

Repeal

Not Necessary. Same rationale as specified for Section 80071.1.

Repeal

No Specific Statutory Authority for "cancellation" of credentials. In addition, the regulation is Not Necessary. E.C. 44355 (Chapter 488, Stats 1980) authorizes CTPL to void (and to deem to be void from the date of issuance) any credential which would not have been issued but for deception, fraud, mistake of law, or mistake of fact. These circumstances would include stopped payment on checks and non payment due to insufficient funds. No special regulation is required to accomplish this.

Repeal

Not Necessary. E.C. 8360 already specifies filing requirements.

Repeal

Not Necessary. Title 5, Section 80116 already specifies that procedures for denial, suspension and revocation of permits are the same as for credentials.

~~80110. - Supervision Permit. (a) Each applicant for a Supervision Permit shall comply with the procedure prescribed for application (Section 80107) and meet all the following requirements:~~

- ~~(1) Two years of successful teaching or supervision experience in a child development program.~~
- ~~(2) A bachelor's or higher degree granted by an approved institution.~~
- ~~(3) A major, as defined by the institution offering the degree, in early childhood education or child development, and in addition at least six semester hours of course work covering administration and supervision of child development programs. In lieu of a major, a candidate may offer successful completion of twenty-four semester hours of course work completed through an approved collegiate institution. This twenty-four semester hours must include at least six semester hours of course work covering administration and supervision of child development programs, and eighteen semester hours of course work in subject fields related to early childhood education.~~

~~(b) Term and Renewal. The permit initially issued pursuant to this section shall be valid for two years. It may be renewed for the life of the holder under compliance with procedure prescribed for application (Section 80107) and completion of a year of successful experience in a child development program.~~

~~(c) Authorization. The Supervision Permit authorizes the holder to perform the following services in a child development program:~~

- ~~(1) Supervise a child development program consisting of any number of children's facilities.~~
- ~~(2) Perform services in the instruction of children in a child development program.~~

Repeal
Not necessary. CTPL
established new
requirements for
this permit under
Section 80111. Section
80110 is no longer
applicable.

-80130. Preamble:

The educator believes in the worth and dignity of human beings. The educator recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic citizenship. The educator regards as essential to these goals the protection of freedom to learn and to teach, and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to practice the profession according to the highest ethical standards.

The educator recognizes the magnitude of the responsibility being accepted in choosing a career in education; and engages individually and collectively with other educators to judge colleagues, and to be judged by them, in accordance with the provisions of this code.

Principle I. Commitment to the Student. The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling these goals, the educator:

(a) Encourages the student to independent action in the pursuit of learning and provides access to varying points of view;

(b) Prepares the subject carefully, presents it to the students without distortion, and within the limits of time and curriculum gives all points of view a fair hearing;

(c) Protects the health and safety of students.

(d) Honors the integrity of students and influences them through constructive criticism rather than by ridicule and harassment.

(e) Provides for participation in educational programs without regard to race, color, creed, national origin or sex both in what is taught and how it is taught.

(f) Neither solicits nor involves them or their parents in schemes for commercial gain thereby insuring that professional relationships with students shall not be used for private advantage.

(g) Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

Principal II. Commitment to the Public. The educator believes that democratic citizenship in its highest form requires dedication to the principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all; and for interpretation of educational programs and policies to the public. In fulfilling these goals, the educator:

Repeal

Necessity: Administrative record made 4/22/70 at time of initial adoption is devoid of facts showing necessity.

Authority: Ed Code 44421 (old 13202) shows no express or implied authority for imposing any particular system of beliefs or personal values upon licensees or applicants. Section 44421, 44225 and other statutes authorizing regulations speak only to conduct (acts/omissions) as opposed to "belief", "recognition", "commitment", etc., and authorize sanctions for "refusal to obey the laws regulating the duties of persons serving in the public schools".

Clarity: No clear distinction is made between conduct required or prohibited and the mere holding or not holding of the prescribed beliefs or system of personal values. The sentences are long and complex and contain multiple concepts.

80130. Preamble (cont.)

(a) Has an obligation to support his profession and institution and not to misrepresent them in public discussion. When being critical in public, the educator has an obligation not to distort the facts. When speaking or writing about policies, the educator must take adequate precautions to distinguish the educator's private views from the official position of the institution.

(b) Does not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

(c) Ensures that institutional privileges shall not be used for private gain. Does not exploit pupils, their parents, colleagues, nor the school system itself for private advantage. Does not accept gifts or favors that might impair or appear to impair professional judgment nor offer any favor, service, or thing of value to obtain special advantage.

Principal III: Commitment to the Profession. The educator believes that the quality of the services of the education profession directly influences the Nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of trust to careers in education. In fulfilling these goals, the educator:

(a) Accords just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.

(b) Does not use coercive means or promise special treatment in order to influence professional decisions of colleagues.

(c) Does not misrepresent personal professional qualifications.

(d) Does not misrepresent the professional qualifications of his colleagues, and will discuss these qualifications fairly and accurately when discussion serves professional purposes.

(e) Applies for, accepts, offers, and assigns positions or responsibility on the basis of professional preparation and legal qualifications.

(f) Uses honest and effective methods of administering educational responsibilities. Conducts professional business through proper channels. Does not assign unauthorized persons to educational tasks. Uses time granted for its intended purposes. Does not misrepresent conditions of employment. Lives up to the letter and spirit of contracts.

NOTE: Authority cited for Article 7, Section 4421, Education Code.

Repeal (cont.)

Consistency: Inconsistent with Section 2 of Article 1 of the California Constitution which protects the rights of all persons

"...to freely speak, write, or publish their sentiments on all subjects, being responsible for the abuse of this right",

and by Section 8 of Article 1 which provides

"A person may not be disqualified from entering or pursuing a...profession or employment because of...creed..."

Also inconsistent with First Amendment rights relating to freedom of thought and speech as well as Article 1, Section 1, Right of Privacy.

Inconsistent with Ed Code 44244 requiring specification of "acts or omissions charged" as condition to disciplinary action by the Commission.

Reference: No reference statute is stated for 80130-131 and none has been found which authorizes the Commission or any state agency to speak for the teaching profession. Legislative interests in establishing the Commission

~~80131. Unprofessional-Conduct. -This code is a set of ideals which the teaching profession expects its members to honor and follow. Any violation is unprofessional. However, to constitute unprofessional conduct and cause for suspension, revocation, or denial of a certification or renewal thereof, such violations shall be only those which either involve jeopardy to student welfare; evidence malice; serious incompetency; or bad judgment; or show a consistent pattern of misconduct.~~

~~This Code of Ethics is not an exhaustive enumeration of acts or conduct which constitute unprofessional conduct.~~

Repeal

Authority: (see comment to 80130) No authority is cited or found to impose any particular system of ideals or beliefs upon licensees of the Commission, or to declare any failure as "unprofessional". See EC 44202, EC 44225.

Clarity: Impossible to know what acts or omissions are clearly permitted or prohibited or to distinguish these from protected speech, or expression. "Jeopardy to student welfare" is not conduct, nor is "evident malice", "serious incompetency", "bad judgment", or "consistent pattern of misconduct". These are legal causes of action and are redundant to EC 44345 and 44420, 44421.

Consistency: Section 80131 declares "any violation is unprofessional" but limits disciplinary action to specified causes. This is inconsistent with EC 44420 and 44421.

EC 44421 provides that the Commission "...shall privately admonish, revoke, or suspend for immoral or unprofessional conduct."

~~80132. Provisions Not Applicable to Community College Teachers. The provisions of this article do not apply to any person while serving in grades 13 or 14, or in any course taught under the jurisdiction of a community college. Such person, however, may be subject to disciplinary action for unprofessional conduct when the person or agency having responsibility therefor independently determines such person has committed an act or acts involving unprofessional conduct irrespective of whether such act or acts are or are not prohibited by this article.~~

Repeal

As a matter of law, the Commission has no jurisdiction over community college teachers (EC 44202) and any such regulatory disclaimer is unnecessary and redundant.

Note: Proposed amendments to Title 5 Regulations:

The Proposed deletions are lined-out, the proposed amendments are underlined, and the rationale for the amendment is shown in the right hand column.

80033. Ryan Life Credentials.

Teaching and services credentials may be issued for life on receipt of a complete application including verification of two years of full-time teaching or other certificated service rendered on the basis of the clear credential under consideration. Teaching or other certificated service shall be acceptable for this requirement when the employment was in a position generally requiring the type of credential under consideration. Full-time service on the basis of a teaching or services credential which is dependent upon a teaching credential shall be acceptable for either credential. Teaching experience shall be acceptable only for meeting this requirement for teaching credentials.

Teaching or service experience in a California private school will be accepted on the same basis as public school experience if such private school offered and the applicant provided instruction which exempted students from the requirements of attendance upon a public full-time day school pursuant to Section 48222.

NOTE: Authority cited: Section 44225,
Education Code. Reference: Section 44255,

RATIONALE

Amend

Change title to "Life Credentials." Ed. Code Section 44255 pertains to all credentials issued for life, not just Ryan type credentials.

Add provision for acceptance of experience earned on the basis of a second teaching credential, which is dependent on an initial teaching credential, to apply toward both credentials. The regulation appears to assume that services credentials are dependent on initial teaching credentials.

80045. Reissuance Renewal of Eminence Credential.

In determining whether or not it shall reissue renew an Eminence Credential, the Commission shall receive a written statement from the superintendent of the school district which shall include:

(a) A statement that the school district will rehire the applicant if the credential is reissued; renewed

(b) A statement that the governing board of the school district has determined that the eminence applicant will best serve the children of the district; and

(c) The eminence applicant's probation evaluation report compiled in the usual manner in which the district obtains reports of its probationary employees' performance.

The request from the school district for a reissuance renewal of an Eminence Credential shall also contain the specific job description of the assignment that the Eminence Credential holder will fill.

NOTE: Authority cited: Section 44225, Education Code.

Reference: Section 44262, Education Code.

E.C. 44262 specifies
renewal. Add E.C.
44262 as reference.

80055. Internship Credential.

An Internship Credential shall be issued initially for two years, and may be renewed for one year upon a showing that extenuating circumstances have prevented its completion within a two-year period. Such circumstances shall include, but not be limited to, illness; military service, and other factors not within control of the applicant.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section ~~44266~~, Education Code., 44456, 44348

Amend

Not Necessary. E.C.
Sections 44455 and 44456
already make clear all
provisions except the time
period of the renewal.
Use E.C. 44456 and 44348
as references.

80055.1. Exchange Certificated Credential.

An exchange certificated employee credential authorizes the holder to serve in a position requiring certification qualifications as specified on the credential in the school district proposing to employ the person.

~~A school district governing board that proposes to employ an exchange certificated employee shall:~~

- ~~(a) - Comply with provisions of Education Code Section 44853.~~
- (a) (b) Inform the applicant for the exchange position that an exchange certificated employee credential may be secured by submitting an application on the form prescribed by the Commission for Teacher Preparation and Licensing and personal identification cards.
- (b) (c) Submit to the Commission a statement verifying the following:
- (1) The position in which the governing board proposes to employ the applicant.
 - (2) The dates of proposed employment.
 - (3) Facts showing that the applicant is an employee of a public school as required by Education Code Section 44853.
 - (4) The district has given due consideration to the general qualifications and professional status of the proposed exchange employee as compared to the general qualifications and professional status of the employee to be exchanged.
 - (5) The district has official verification from the proper authorities mentioned in Education Code Section 44853 that the applicant is fit to perform the services required in the position.

Amend

Not Necessary.
Delete subsection (a).
Requirements of E.C. 44853
~~must be met with or without~~
Commission for Teacher
Preparation and Licensing
regulations.

Authorization for Service. This credential authorizes the holder to serve in a position requiring certification qualifications as specified on the credential in the school district proposing to employ the person.

Term. This credential may be issued for a three-year period provided the exchange is maintained. At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent provided that the governing board submits to the Commission facts showing that the holder meets all California minimum standards which would be required of an applicant for a regular credential authorizing that class or service.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44853, Education Code.

80072. Appeal Upon Failure to Pass Subject Matter Examination.

The Commission will consider appeals presented in writing by applicants who have failed to attain the passing score standard established by the Commission when the appellant can verify evidence of meeting the following appeal standards:

(a) Within 30 days after a score report for a written examination has been received for any certificate or credential issued by the Commission, an unsuccessful applicant may file a petition of appeal with the Executive Secretary on the grounds of fraud, discrimination, or clerical error in scoring, or other grounds of extraordinary improper acts or circumstances which were reported to the test supervisor at the time of the administration of the examination and which a reasonable person could agree deprived the candidate of a fair chance to take and pass the examination; except that mere failure to pass an examination which has been successfully passed by other applicants shall not be grounds for appeal. Candidates are encouraged to report any extraordinary improper test administration acts or circumstances to the Commission.

(b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based and in sufficient detail to identify the examination and persons involved. The petition shall be signed and dated by the applicant, and shall include the following statement: "I certify under penalty of perjury that the facts stated herein are true and correct."

(c) The petition may include other relevant information including the petitioner's academic record, letters of recommendation and other facts upon which the Commission might reasonably conclude that, but for the grounds for appeal alleged, the petitioner would have demonstrated all qualifications required by law for such credential or certificate.

(d) The petition, with the Executive Secretary's recommendation with respect thereto, shall be granted or denied by the Commission on the basis of the verified facts presented in the petition. The Commission may order reexamination of the petitioner upon all or any portion of the examination appealed from with or without further examination fee.

(e) Applicants who fail a subject matter examination and do not meet the standards may appeal by requesting ~~to be~~ examined-an oral examination by a board of examiners, as specified in Section 80075 of these regulations. Such an appeal shall be in writing and shall include all of the following:

(1) Verification that appellant has failed the examination and does not meet the standards; and

(2) Agreement by the appellant to pay the costs of impaneling and operating the board of examiners.

NOTE: Authority cited: Section 44225, 44252 Education Code
Reference: Sections 44281, 44310, 44345(a) and 44280, Education Code.

Amend

Clarification. Makes clear that this is an oral examination and makes this Section consistent with Section 80075

Add E.C. 44252 as authority cited and add E.C. 44345 (a), 44280 and 44289 as references.

80107. Application Procedure and Date of Issuance of a Permit.

(a) **Submission of Application.** Each applicant for a Children's Center Permit of any type or for any renewal thereof shall submit an application to the Commission for Teacher Preparation and Licensing, or to the Office of the County or District Superintendent of Schools of the county in which the applicant is employed.

(b) **Application Form.** An application for a Children's Center Permit shall be submitted on the application form furnished by the Commission for Teacher Preparation and Licensing and shall be accompanied by all of the following:

(1) **Identification.** ~~A Duplicate personal identification cards as otherwise provided by the Commission, specified in Section 80442, unless an acceptable card has been submitted with a previous application for a permit under this section or for a certification document issued by the Commission for Teacher Preparation and Licensing.~~

(2) **Fee.** Each application for a permit shall be accompanied by a ~~A money order or check for the fee currently required for the issuance of a credential.~~ as specified in Section 80487 (a) (1).

~~(3) Transcript.~~ Transcripts of record listing all college and university course work.

(4) **Verification of Experience.** For each permit granted in whole or in part on the basis of educational experience, the application shall be accompanied with original letters, from responsible persons having knowledge of the facts, verifying the dates and character of the experience claimed.

NOTE: Authority cited: Section 8370, Education Code.

Reference: Sections 8362, 8363, 44340, Education Code.

Amend

Consistency.

Duplicate personal identification cards is consistent with E.C. Section 44340 and Title 5 Regulation Section 80442.

Consistency.

Subsection (b) (2)

refers to Title 5 Regulations Section 80487 (a) (1) for consistency in stating fee requirements.

80109. Types of Permits. The Commission for Teacher Preparation and Licensing shall issue permits of the following types for service in child development programs:

(a) (1) Supervision Permit.

(2) Instructional Permit.

(b) Instructional Permits shall be either:

(1) Emergency, or

(2) Regular, or

(3) Life.

(c) Supervision Permits shall be either:

(1) Regular, or

(2) Life.

(d) ~~No permit is required for service as a non-teaching aide described in Education Code Sections 44833 and 44835.~~

Amend

Not Necessary.

Delete subsection (d) as it repeats existing law.

NOTE: Authority cited: Section 8370, Education Code. Reference: Sections 8363 and 8370, Education Code.

80111. Regular Children's Center Supervision Permit. (a) Each applicant for a Regular Children's Center Supervision Permit shall comply with the procedure prescribed for application in Section ~~80167~~ 80107 and shall meet all of the following requirements:

Amend
Clarification.
There is no Section
80167.

(1) A Regular Children's Center Instructional Permit.

(2) Twelve semester units in early childhood education/child development at an advanced level.

(3) Six semester units of course work in administration and supervision of child development programs.

(4) Two years of experience as a teacher in a child development program.

(5) A bachelor's or higher degree granted by an approved institution.

(b) Term and Renewal. Issued for five years. May be renewed for five year periods.

(c) Authorization. The Supervision Permit authorizes the holder to perform the following services in a child development program.

(1) Supervise a child development program consisting of any number of children's facilities.

(2) Perform services in the care, development and instruction of children in a child development program.

NOTE: Authority cited: Section 8370, Education Code. Reference: Sections 8363 and 8370, Education Code.

NOTE: Sections 80125, 80126 and 80127 have been completely deleted and substituted with a proposed new section 80125.

Article 6. Positions Requiring Administrative Credentials or Supervision Credentials

80125 - Designation of Service Requiring Administration or Supervision Credentials

Pursuant to Education Code Sections 35020, 35028, 44065, and 44860, except for persons initially employed prior to July 1, 1979 and continuously assigned and employed as provided herein, any person who is assigned to perform and who does perform one or more or a portion of any of the functions or services included in (a) through (g) for more than one-half of the hours worked by such person in a school year shall possess a valid, current credential authorizing administration or supervision:

- (a) Selection, assignment, or evaluation of certificated personnel at school, district, or county level.
- (b) Coordination, supervision, and direction of the work of instructors and of the instructional programs at district or county level.
- (c) Coordination, supervision, and direction of staff development for certificated personnel at district or county level.
- (d) Coordination, supervision, and direction of counseling and guidance services at district or county level.
- (e) Coordination, supervision, and direction of certificated personnel providing library services and health services at district or county level.
- (f) Coordination, supervision, and direction of these activities connected with the enforcement of the laws relating to compulsory education and child welfare at the district or county level.
- (g) Supervision and direction of testing and research connected with the evaluation and effectiveness of the instructional programs at school, district, or county level.

Educational evaluators may be employed as classified employees on either a full or part-time basis to perform the functions of program evaluation and research. Such persons need not have teaching or administrative services credentials so long as no functions for which certification qualifications are required are performed but shall be responsible to a credentialed administrator.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44066 and 44860, Education Code.

80126 - Designation of Services Requiring Pupil Personnel Services, Administration or Supervision Authorization.

Pursuant to Education Code Sections 35020, 35300, and 44065, except for persons initially employed prior to July 1, 1979 and continuously assigned and employed as provided herein, any person who is assigned to perform and who does perform one or more or a portion of any of the functions or services included in (a) through (d) for more than one-half of the hours worked by such person in a school year shall possess a valid current pupil personnel services credential or a credential authorizing administration or supervision:

- (a) Coordination, supervision, and direction of counseling and guidance services.
- (b) Coordination, supervision, and direction of the interpretation or results of state and district testing programs.
- (c) Coordination, supervision, and direction of activities connected with the enforcement of the laws relating to compulsory education and child welfare.
- (d) Coordination and supervision of student co-curricular programs.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44066 and 44860, Education Code.

Repeal/Incorporate in new Section 80125

Clarification of and consistency with Part 25, Chapter 1, Article 3 of the Education Code.

Consistency. E.C. 44065 does not authorize CTPL to expand upon the functions designated.

Consistency and clarification. E.C. 44065 requires CTPL

To clarify the specific credential required.

Repeal/Incorporate in new Section 80125
Same rationale as made for Section 80125.

80127. Designation of Services Requiring Teaching, Administration or Supervision Credential:

Pursuant to Education Code Sections 35020 and 44065, except for persons initially employed prior to July 1, 1979 and continuously assigned and employed as provided herein, any person who is assigned to perform and who does perform under supervision of a principal one or more or a portion of any of the functions or services included in (a) through (e) for more than one-half of the hours worked by such person in a school year shall possess a valid, current basic teaching credential as defined in Section 80001 (b) or a credential authorizing administration or supervision:

(a) Coordination and supervision of the work of instructors and instructional programs.

(b) Coordination and/or conducting staff development for certificated personnel.

(c) Coordination of the preparation, selection, collection, classification, or demonstration of instructional materials.

(d) Coordination of the research and evaluation of the effectiveness of the instructional programs.

(e) Coordination of the evaluation of academic achievement of pupils.

(f) Coordination and supervision of student co-curricular programs.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44066, and 44860, Education Code.

Repeal/Incorporate in
new Section 80125
Same rationale as made
for Section 80125.

PROPOSED NEW SECTION 80125

80125. Personnel Interchange between Certificated and Classified Positions.

(a) Any person employed on or after July 1, 1963, in a position in the Classified service in which 50 percent or more of the duties performed by that person during the school year consist of rendering service in directing, coordinating, supervising or administering any portion or all of the types of functions listed below shall hold the valid credential(s) as specified.

(1) The work of instructors and the instructional program for pupils: Requires a credential authorizing Administration or Supervision Services.

(2) Educational or vocational counseling, guidance and placement services: Requires a credential authorizing Administration or Supervision Services, or Pupil Personnel Services.

(3) School extracurricular activities related to, and an outgrowth of, the instructional and guidance program of the school: Requires a credential authorizing Administration or Supervision Services, or Pupil Personnel Services, or Teaching.

(4) Planning courses of study to be used in the public schools of the state: Requires a credential authorizing Administration or Supervision Services.

(5) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the state: Requires a credential authorizing Administration or Supervision Services, or Teaching.

Same rationale as made
for Old Section 80125
(page 17).

PROPOSED NEW SECTION 80125 (continued)

(6) The examination, selection, in-service training, or assignment of teachers, principals or other certificated personnel involved in the instructional program: Requires a credential authorizing Administration or Supervision Services.

(7) Research connected with the evaluation and efficiency of the instructional program: Requires a credential authorizing Administration or Supervision Services, or Teaching.

(8) The school health program: Requires a credential authorizing Administration or Supervision Services, or Health Services.

(9) Activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils: Requires a credential authorizing Administration or Supervision Services, or Pupil Personnel Services.

(10) The school library services: Requires a credential authorizing Administration or Supervision Services, or Library Services.

(11) The preparation and distribution of instructional materials: Requires a credential authorizing Administration or Supervision Services, or Teaching.

(12) The in-service training of certificated personnel: Requires a credential authorizing Administration or Supervision Services, or Teaching.

(13) The interpretation and evaluation of the school instructional program: Requires a credential authorizing Administration or Supervision Services, or Teaching.

(b) The credentials specified in subsections (a) (1) through (13) shall authorize service appropriate to the grade level(s) at which such service is rendered.

NOTE: Authority cited: Section 44225 Education Code.
Reference: Section 44065, Education Code.

80150. Definitions.

For purposes of this chapter:

(a) "Commission" means the Commission for Teacher Preparation and Licensing as constituted under Education Code Section 44210.

(b) "Executive Secretary" means the Executive Secretary to the Commission pursuant to Education Code Section 44220.

(c) "Chairman" means the Chairman of the Commission pursuant to Education Code Section 44218.

(d) "Vice-Chairman" means the Vice-Chairman to the Commission.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY:

1. New Article 1 (Sections 80150-80180, not consecutive) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

80153. Officers.

The officers of the Commission shall be the Chairman, the Vice-Chairman, and the Executive Secretary.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44218, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

TITLE 5 REGULATION

ACTION, RATIONALE

80156. Chairman and Vice-Chairman.

(a) Each year at the last regular meeting of the calendar year, the members of the Commission shall select two of their members to serve as Chairman and Vice-Chairman, respectively. They shall take office as the last order of business at the meeting at which they are elected.

(b) The Chairman and Vice-Chairman of the Commission shall not be elected for more than two consecutive terms plus any unexpired terms to which he or she may have previously been elected.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations, which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

80159. Chairman.

The Chairman shall be the presiding officer at meetings of the Commission and shall be an ex officio member of all committees.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

80162. Vice-Chairman.

In the absence of the Chairman or in the case of his or her inability to act, the Vice-Chairman shall preside at meetings of the Commission. The Vice-Chairman shall be an ex officio member of all committees.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only, and should be placed in the Policy Manual of the Commission.

80165. Vacancy.

In the event that there is an interim vacancy in the office of the Chairman or the Vice-Chairman, a successor may be elected by the Commission to hold office for the unexpired term.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management.

("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

80168. Chairman Pro Tempore.

In case of the absence or inability to act of both the Chairman and Vice-Chairman at a meeting, the Commission shall elect for that meeting a Chairman or Vice-Chairman.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Pursuant to Government Code 11371, the Commission is not required to adopt administrative regulations which relate only to its internal management. ("Internal Management" is distinguished from matters which touch and concern the rights or duties of the persons regulated by the Commission, such as issuance, denial, revocation, or suspension of credentials, and/or the approval of preparation programs.)

Rules relating to internal management only may, and should be placed in the Policy Manual of the Commission.

80174. Duties of the Officers.

The officers of the Commission shall have such powers and shall perform such duties in addition to those set forth in this chapter as may be delegated to them by the Commission.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80177. Staff of the Commission.

(a) The Executive Secretary shall employ and fix the compensation, in accordance with law and within Commission policies, of such assisting staff as the Executive Secretary deems necessary to effectively conduct the work of the Commission.

(b) The Executive Secretary may authorize such assisting staff to perform, in the name of the Executive Secretary, any of the authorized duties of the Executive Secretary.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44221, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80180. Administrative Review of Grievance.

(a) Where an individual or entity has a grievance against the Commission or Executive Secretary for which no remedy has been expressly provided in these regulations, said individual or entity shall have a right of administrative review of such grievance by the Commission.

(b) An administrative review pursuant to this section shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80190. Regular Meetings.

(a) The schedule of regular meetings for the Commission for each calendar year shall be prepared by the Executive Secretary and shall be adopted by resolution at the last regular Commission meeting of the preceding fiscal year.

(b) The regular meetings shall be held primarily in Sacramento, but may be held any place in California designated by the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44219, Education Code.

HISTORY:

1. New Article 2 (Sections 80190-80217, not consecutive) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80193. Extraordinary Meetings.

(a) The Chairman may call an extraordinary meeting of the Commission at any time; the Chairman shall call an extraordinary meeting upon the written request of five or more voting members of the Commission.

(b) Notice of the time, place, and purpose of an extraordinary meeting shall be mailed to every member of the Commission at his or her last known residence or place of business not later than ten calendar days before such meeting.

(c) No business other than that mentioned in the notice of such meeting shall be considered thereat.

(d) A record of the service of notice shall be entered upon the minutes of the Commission and these minutes, when read and approved at the next regular meeting of the Commission, shall be conclusive of the fact that notice was given as required.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44219, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80196. Quorum for Transaction of Business.

The presence of a majority of the members of the Commission shall constitute a quorum for the transaction of business. For purposes of this section, "members" shall mean the number of members specified in Education Code Section 44210.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80199. Adjournment When No Quorum.

Any meeting may be adjourned and its business continued to an appointed day by the vote of a majority of the members present, even though there is less than a quorum.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80202. Public Meeting and Executive Sessions.

(a) All meetings of the Commission shall be open and public unless an Executive Session.

(b) Executive Sessions are restricted to the following:

(1) Meetings and hearings to consider the suspension, revocation, or denial of credentials pursuant to Education Code Sections 44245-44247;

(2) Considerations of confidential or personal information as defined in Government Code Section 1798.3, except that the session may be open and public upon request of the individual to whom the information pertains;

(3) Personnel matters as described in Government Code Section 11126; and

(4) Other matters in accordance with law.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44231, 44243, 44246, and 44247.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

TITLE 5 REGULATION

ACTION, RATIONALE

80205. Minutes of Commission Meetings.

(a) Unofficial minutes of each Commission meeting shall be prepared by the Executive Secretary from the stenographic notes, taped record, and notes taken by the Executive Secretary.

(b) Such minutes of each regular meeting shall be sent by mail to each member of the Commission not later than ten calendar days before the next regular meeting.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44220, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80208. Agenda for Commission Meetings.

(a) The agenda for each meeting shall be prepared by the Executive Secretary at the direction of the Chairman, except that the Chairman may prepare the agenda for an extraordinary meeting.

(b) An agenda for each regular meeting shall be mailed to each member of the Commission not later than ten calendar days before the regular meeting.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80211. Presentation to the Commission.

(a) Written statements to the Commission, or one of its committees, shall be submitted to the Executive Secretary, and shall be presented to the Commission by the Executive Secretary.

(b) Persons wishing to make an oral presentation to the Commission, or one of its committees, shall abide by the following procedure.

(1) A written request to address the Commission or one of its committees shall be made to the Executive Secretary prior to the meeting at which the requested presentation is to be made. The Executive Secretary shall present the request to the Commission or a committee at the meeting to be addressed.

(2) The request shall include the name and address of the person requesting to speak, the name of the organization or group represented, if any, and a statement of the subject to be presented.

(3) The proposed speaker may speak only if and when recognized by the Chairman.

(4) Five minutes may be allotted to each subject matter, subject to extension by the Chairman.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80214. Rules of Order.

The rules contained in the latest edition of *Robert's Rules of Order* shall govern the Commission, except that they shall not take precedence over state law or over these regulations.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80217. Procedure for Amendment of Provisions.

Provisions of this part may be amended at any regular meeting of the Commission by the affirmative vote of a majority of the members of the Commission, and subject to the provisions as set forth in Education Code Section 44230 and in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. For purposes of this section, "members" shall mean the number of members specified in Education Code Section 44210.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Not necessary as regulations. Transfer to Policy Manual.

80250. Policies Established by the Executive Secretary.

Pursuant to Civil Code Section 1798.20 the Executive Secretary shall establish Commission policies for Commission staff involved in the design, development, operation, disclosure or maintenance of records containing personal or confidential information. The Executive Secretary shall instruct said staff with respect to such rules and to the requirements of Chapter 1 (commencing with Section 1793) of Title 1.8 of Part 4 of Division 3 of the Civil Code, and shall from time to time report thereon to the Commission.

NOTE: Authority cited: Section 1795.20, Civil Code.

HISTORY:

1. New Article 4 (Sections 80250 and 80255) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

Repeal

This section is redundant to the statute (CC 1798.20) and is unnecessary.

80300. Definitions.

As used in this chapter:

(a) "Accusation" or "Statement of Issues" means a pleading, pursuant to Section 11503 or 11504 of the Government Code which initiates an administrative adjudicatory hearing to determine whether a credential shall be denied, suspended, or revoked.

(b) "Applicant" means any person who has made application for a credential to be issued by the Commission.

(c) "Adverse action" means any committee action other than a determination that no disciplinary action should be taken, with none justified.

(d) "Commission" means the Commission for Teacher Preparation and Licensing. "Committee" means the Committee of Credentials.

(e) "Credential" means any credential, life diploma, certificate, or document issued by or held under the jurisdiction of the Commission for Teacher Preparation and Licensing which authorizes the holder to perform services for which certification qualifications are required.

(f) "Investigation" means the process of collection and evaluation of facts and evidence as a basis for determination of the truth or falsity of allegations of misconduct or unfitness of a person to receive or to hold a credential.

(g) "Licensee" means any holder of a valid credential or life diploma.

(h) "Respondent" means any person with respect to whom an investigation has been initiated or against whom an accusation or statement of issues has been filed.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Not necessary. Definitions are necessary only where words are used in a special sense. All words defined in this section are in common use in the Administrative Procedures Act which governs CTPL proceedings.

80301. Authority of the Committee of Credentials.

(a) Subject to the standards provided in this chapter, the Committee of Credentials has authority to:

(1) Receive allegations of misconduct or unfitness filed against licensees and applicants for licenses issued by, or held under the jurisdiction of the Commission for any cause specified in Education Code Sections 44420, 44421, 44345, or any other provision of law or these regulations for which such a credential may be denied, revoked, or suspended by the Commission;

(2) Investigate such allegations; using the investigative facilities of the Department of Justice or other appropriate facilities and personnel;

(3) Determine whether probable cause exists for the denial, suspension or revocation of the credential, and if such cause does exist, to initiate an adjudicatory hearing by the filing of an accusation or statement of issues;

(4) To adopt and to amend procedures and forms for the expeditious management of the Committee's business;

(5) To report its actions and decisions to the Commission with its recommendations with respect thereto.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Not necessary. This section has been written into new Education Code Section 44242.5, Ch 956/80 (Hart AB2811) and is now redundant. EC Section 44243 authorizes the Commission to make policy governing the operation of the Committee of Credentials, and any necessary internal procedures may be placed in the policy file.

TITLE 5 REGULATION

ACTION, RATIONALE

80302. Meetings.

(a) The Committee shall meet at such times and places as it considers necessary to perform its duties under this chapter.

(b) The Committee shall, no later than the last meeting of the year, adopt a calendar indicating the dates, times, and places of meetings for the following year, subject to the approval of the Commission.

(c) For good cause, the Chairperson of the Commission may approve a Committee meeting at some other date, time, or place than that adopted in Subsection (b).

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Not necessary. This section deals with matters of internal procedure which the Commission may place in its policy file, and is unnecessary to be in regulation.

80303. Quorum.

A majority of the members shall constitute a quorum for the transaction of business.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Same rationale as specified for Section 80302.

80304. Calendar.

~~All matters to be presented for consideration by the Committee at a regular meeting shall be placed on the Committee's calendar without undue delay.~~

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Same rationale as specified for Section 80302.

80305. Continuance.

All matters appearing on the calendar that are not disposed of shall appear on the next calendar as items of unfinished business.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

Same rationale as specified for Section 80302.

80306. Action and Reconsideration.

(a) In any meeting of the Committee, a vote of four concurring members is required to make any action effective whether that action is to grant or to deny any request or other matter properly before the Committee. Where a matter requires such action and a motion to take such action fails for lack of four concurring votes, the matter shall not be dropped from the calendar. Upon the adoption of a motion to reconsider made by any member of the Committee at the same, or any succeeding meeting, the matter shall be reconsidered. If a motion to reconsider is not adopted within three months, the matter shall be dropped from the calendar. A member of the Committee may participate in the reconsideration of a matter even though he or she was not present during the original consideration of the matter if the interested parties agree or if the member has reviewed a transcript of the proceedings and/or other documents and evidentiary materials before the Committee.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code. 44242.5

Amend

Necessity. This section deals with the valuable procedural rights of licensees, and should incorporate the content of Section 80318.1. Reconsideration of Committee Action.

To provide necessary minimum standards which guarantee orderly consideration of matters before the Committee of Credentials. Consistency.

This section is related to, and should incorporate Section 80318.1, since both relate to the same subject.

Use EC 44225 as authority cited, and EC 44242.5 as reference.

(b) The Committee may, and on direction of the Commission shall reconsider its action if a petition for reconsideration is filed by any person or entity who initiated the investigation or review within 30 days after notice of the Committee decision. Such petition shall be in writing and shall state the facts and reasons for such recommendations. The Committee shall place the matter upon its calendar for its next meeting and shall report its action to the Chairperson of the Commission within 10 days after such meeting.

NOTE: Authority cited: Sections 44225 Education Code, Reference: Section 44242.5, Education Code.

80307. Precedence of Matters on the Committee's Calendar.

(a) Any matter involving allegations of child abuse or misconduct or unfitness which poses a hazard to students or other employees made against persons who are presently employed in positions requiring certification qualifications shall be set for investigation and consideration at the earliest possible time and shall take precedence over all other cases except older cases of the same character and matters to which special precedence may be given by law. ~~All other matters shall be placed upon the calendar in the following order of precedence:~~

Amend
Clarity. The present text of 80307 is poorly organized.

Use EC 44225 as authority cited, and EC 44242.5 as reference.

(b) All other matters shall be placed upon the calendar in the following order of precedence:

(1) Matters involving persons presently or prospectively employed in positions for which certification qualifications are required.

(2) Matters involving persons who have been suspended from, or placed on compulsory leave of absence from positions requiring certification qualification pursuant to Education Code Section 44940 and pending disposition of criminal charges.

(3) Matters involving persons not presently or prospectively employed in positions requiring certification qualifications.

(4) Matters involving persons absent from the State, or, whose whereabouts are unknown.

(5) All other matters, including matters on judicial appeal.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, 44242.5, Education Code.

80310. Probable Cause, What Is.

(a) For the purpose of these guidelines, probable cause is established when the weight of the evidence before the Committee is sufficient to cause a majority of the Committee to believe that the allegations of misconduct or unfitness are true and that an administrative hearing thereon would result in denial, suspension, or revocation of the credential in issue.

~~(b) In arriving at its conclusion that probable cause is or is not established, the Committee shall take into consideration any relevant information, if it is the sort of information upon which responsible persons are accustomed to rely in the conduct of serious affairs, including but not limited to the following:~~

~~(1) Official records of judicial and public agencies;~~

~~(2) Verified statements of persons having knowledge of the facts, including the respondent, who will be invited to submit such statements or appear in person before the Committee;~~

~~(3) Statements and recommendations from employers and other responsible persons having special knowledge of the fitness and character of the licensee or applicant;~~

~~(4) Investigative reports prepared by the State Department of Justice, or appropriate agencies.~~

Amend
Delete Subsection (b).
Subsection (a) interprets and makes specific the meaning of probable cause and the standard to be applied by the Committee, as provided in EC 44242.5. Subsection (b), however, is not necessary as it is redundant to the statute (Government Code, Section 11513).

Use EC 44225 as authority cited and ED 44242.5 as reference.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, 44242.5, Education Code.

80312. Initiation of Investigation.

(a) An investigation pursuant to Education Code Section 44244 shall be initiated when any of the following occurs:

(1) Notice is received from any agency of government showing arrest for, or conviction of any applicant for, or holder of any credential, where it appears that the arrest or conviction arises out of acts or omissions which may constitute grounds for denial of an application for issuance or review of an application, or suspension, or revocation of the credential;

(2) Notice is received pursuant to Section 80311 that a person holding a position for which certification qualifications are required by law has been dismissed, has resigned, or has otherwise been terminated from such position as a result of alleged acts or omissions which may constitute probable cause for revocation or suspension of his or her credential, and where the employer of such certified person has recommended investigation of the matter by the Committee;

(3) Notice containing statement of facts is received from any credible, identifiable person showing that a licensee or applicant has committed acts or omissions which may constitute probable cause for denial, suspension, or revocation of his or her credential;

(4) Receipt of a Request to File Statement of Issues or Accusation pursuant to Section 80313.

(b) Where notice is received pursuant to Penal Code Sections 291 or 291.1 of Section 11591 of the Health and Safety Code, of the arrest of any certificated school employee for offenses specified therein, the committee shall ascertain whether such person has been placed on compulsory leave of absence from his/her position and if so, shall take no final action until disposition of the charges by the court.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44244, 44940, 44242.5 Education Code.

Repeal

Not necessary. This section is largely redundant to the statutes. New EC Section 44242.5 requires investigation of all allegations, and Section 80307 sets priorities.

80313. Request to File Statement of Issues or Accusation Made by Other Persons

(a) Any person may request the Committee to file a statement of issues or accusation against an applicant for a credential or its renewal, or a credential holder, as follows:

(1) The request shall be in writing, shall identify the person to be charged, shall set forth in ordinary and concise language, the particular acts or omissions with which the person is charged in such detail as is reasonably necessary to enable the Committee to understand the nature of the charges and their significance. Such request may, but need not, specify the statutes or regulations alleged to have been violated. Each such request shall be dated and signed and shall include the following statement: "I certify under penalty of perjury that the facts stated herein are true and correct", and shall show the county where subscribed.

~~(1) The request shall be in writing and signed by the person filing the charge, and shall identify the person to be charged;~~

Amend

Clarity. The proposed amendment makes it clear that the requester must also verify facts alleged.

Use EC 44225 as authority cited and EC 44242.5 as reference.

~~(2) The request shall set forth in ordinary and concise language the particular acts or omissions with which the person is charged, and in such detail as is reasonably necessary to enable the Committee to understand the nature of the charges and their significance. Such request may, but need not, specify the statutes or regulations allowed to have been violated.~~

(2) Where the acts or omissions alleged are not within the personal knowledge of the person filing the request, such request shall be accompanied by a statements of fact from one or more persons who do have personal knowledge of the acts or omission alleged. Each shall be dated and signed and include the following statement: "I certify under penalty of perjury that the facts stated herein are true and correct", and shall show the county where signed.

(b) Upon receipt of a request to file charges as provided herein, the Committee shall immediately initiate an investigation as provided in Section 80312.

NOTE: Authority cited: Sections 44225, Ed Code
Section ~~44244~~ 44242.5.

80314. Discovery Rights and Procedure.

(a) After initiation of an investigation by the Committee, the applicant or licensee or attorney of such person is entitled to obtain the names and addresses of witnesses to the extent known to the Committee, including but not limited to, those intended to be called to testify at a Committee hearing, and to inspect and make a copy of any of the following in the possession or custody or under the control of the Committee:

(1) A statement of a person other than the person named in the initial Request to File a Statement of Issues or Accusations, or any additional pleading, when it is claimed that the act or omission of the respondent, as to such person, is the basis for the investigation;

(2) A statement pertaining to the subject matter of the investigation made by any party to another;

(3) Statements of persons having personal knowledge of the acts, omissions, or events which are the basis for the proceeding not included in (1) or (2) above;

(4) All writings, including but not limited to, reports of mental and physical examinations and other things which the Committee then proposes to offer in evidence;

(5) Any other writing or thing which is relevant and which would be admissible in evidence;

(6) Investigative reports made by or on behalf of the committee or other party pertaining to the subject matter of the proceeding to the extent of such reports

(A) Contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions, or events which are the basis of the investigation;

(B) Reflect matters perceived by the investigator, or in the course of his or her investigation; or

(C) Contain or include by attachment any statement or writing described in (1) to (5), inclusive, or summary thereof.

(b) For the purposes of this section, "statements" include written statements by a person, signed or otherwise authenticated by him or her, stenographic, mechanical, electrical, or other recordings or transcripts thereof, of oral statements by the person and written reports or summaries of such oral statements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 11507-6, Government Code. 44244, Education Code.

Repeal

Not necessary. This section is redundant to Section 11507.6 of the Government Code (Administrative Procedures Act) as well as to Section 44244 of the Education Code which opens the record to the person and/or his/her counsel.

80315. Right to Counsel.

The respondent applicant or licensee may be represented by counsel during any stage of investigation by the Committee.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44244, Education Code.

Repeal

Not necessary. This section is redundant to existing law and need not be restated in regulation. See EC Section 44244 and Government Code Section 11502.

80316. Confidentiality of Investigative Material.

All documents, statements, or other matter collected or acquired by the Committee in the course of an investigation shall be confidential and shall not, except pursuant to authorization of the Committee or Commission, be disclosed to any other person.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44248, Education Code.

Repeal

Not necessary. This section is redundant to Education Code Section 44248 which imposes penal sanctions upon unauthorized disclosure, and is also redundant to the Information Practices Act (Civil Code Section 1798 et seq).

80316.5. Confidential Report of Investigation.

Prior to the issuance of any Notice of Meeting to Consider Allegations pursuant to Section 80317, staff of the Committee shall submit a confidential investigative report showing an evaluation of facts and evidence collected, with respect to each investigation initiated pursuant to Sections 80312 and 80313. Where the confidential investigative report shows that the allegations, even if true, do not constitute violations of law; that the allegations are not supported by sufficient credible evidence; or that the facts show a complete defense or legal justification, the confidential investigative report and file shall be ordered sealed or destroyed.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44243, 44244, Education Code; Section 1798.24, Civil Code. 44242.5, ~~Education Code.~~

Amend

Necessity. This section "implements, interprets, and makes specific" the mandates of Education Code Sections 44242.5 and 44244 relating to Committee of Credentials investigation of allegations and disposition of unsupported allegations.

Authority. EC Section 44243 authorizes Commission supervision of the Committee of Credentials.

- Consistency. The reference to Section 80312 should be deleted if that section is repealed.

Use EC 44225 as authority cited.

Use EC 44242.5 and EC 44244 as references.

80318. Action Committee May Take.

(a) If the Committee, upon completion of its inquiry and consideration of the guidelines provided in Section 80303 or 80309, does not believe that the allegations are true; or that if they are true, the Committee does not reasonably believe that an administrative hearing would result in denial, revocation or suspension of the person's credential, it shall terminate the proceeding.

(b) If the Committee believes that the allegations are true and that pursuant to the guidelines provided in Section 80303 there is probable cause for denial, revocation, or suspension of the credential, it shall direct the Executive Secretary to file, and the Executive Secretary shall file, a Statement of Issues or an Accusation against the person as provided by law.

Repeal

Not necessary. This section is redundant since the enactment of new Section 44242.5 to the Education Code.

80318.1. Reconsideration of Committee Action.

The Committee may, and on the direction of the Commission shall, reconsider its action under either (a) or (b) of Section 80318 if a petition for reconsideration is filed by any person or entity who initiated the investigation or review pursuant to Section 80311, 80312, or 80313 within 30 days after service of the notice required under Section 80319. Such petition shall be in writing and shall state the facts and reasons for such reconsideration. The Committee shall place the petition upon its calendar for its next meeting, and shall report its action, if any with respect thereto, to the Chairperson of the Commission within 5 days after such meeting.

NOTE: Authority cited: Sections 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal

The content of this section has been incorporated into Section 80306 as Subsection (b).

TITLE 5 REGULATION

ACTION, RATIONALE

80321. Committee of Credentials Reports to the Commission.

The Committee of Credentials shall report back to the Commission from time to time.

NOTE: Authority cited: Sections 44242, 44243, Education Code. Reference: Section 44244, Education Code.

Repeal - Transfer to Policy File

Not necessary. This section represents an internal procedure only, which need not be contained in Title 5. This procedure should be placed in the policy file.